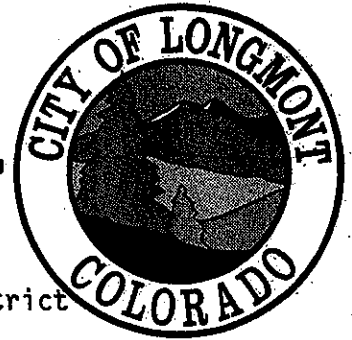


CITY COUNCIL COMMUNICATION



Meeting Date: October 27, 1992

Item Number: RS--5B

Subject: Creation of the Downtown Longmont Business Improvement District

Type of Item: Consent Agenda

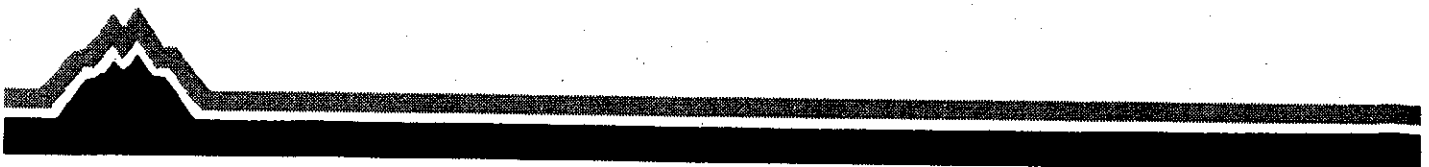
Time for Presentation:

Presented By: Mick Conrad, Assistant City Attorney
Valeria Skitt, City Clerk

Suggested Action: Introduce the ordinance (0-92-66)

On September 30, 1992, the Downtown Development Authority submitted petitions to the City Clerk for the formation of a Business Improvement District in Downtown Longmont. At its last regular meeting, the City Council set a public hearing for November 10, 1992, to consider this request. The City Clerk is currently verifying the petition signatures and will present the final results to Council at the public hearing.

Introduction of the BID creation ordinance at this meeting allows the date for the second reading of the ordinance to coincide with the scheduled public hearing.





October 23, 1992

Honorable Mayor and Members of City Council
City of Longmont
Civic Center Complex
Longmont, CO 80501

RE: Downtown Longmont Business
Improvement District

Honorable Mayor and Members of City Council:

The Longmont Downtown Development Authority (LDDA) has been researching the advantages and disadvantages of forming a business improvement district in the Downtown area for several years. We came to the conclusion that there are few if any disadvantages and so many advantages that we should pursue the formation with our best efforts in 1992. The following discussion is intended to explain the details of that effort and the essence of the formation of the Downtown Longmont Business Improvement District (DLBID).

BACKGROUND

As you know, we currently have as operating revenue sources a Downtown Development Authority (DDA) and a General Improvement District (GID) that we contract with the City to operate.

The General Improvement District's bonds were retired at the end of 1991 and a commensurate tax reduction was clearly forthcoming. This was somewhat problematic since LDDA operating expenses had been going up while bond retirement payments had been going down. It was estimated that this tax reduction would cause a substantial operating budget reduction for the LDDA.

While the GID is a single purpose district the funds of which must be spent solely for parking related expenses, the LDDA is a broader type of district the activities of which revolve around implementing a master plan of development for the Downtown. The LDDA operating mill levy has a statutory maximum of 5 mills but the Board has kept this levy well below that maximum at 3.31 mills. This combined with the state mandated maximum of 5.5% increase over the previous year's revenues put the LDDA in a position of finding a way to make up the anticipated GID revenue shortfall or effectively closing up shop.

THE DILEMMA AND THE SOLUTION

Faced with the above dilemma, the LDDA decided to view the formation of a business improvement district in at least 2 ways. First as a short term solution to the GID revenue shortfall problem. Second, in the longer term, as the best available mechanism designed to directly support our efforts at joint promotion and marketing, business recruiting, event coordination, and generally taking

advantage of many of the same techniques used by shopping center operators to be successful. The BID would also be the ideal vehicle to ultimately consolidate the functions of the GID and the LDDA into one streamlined, understandable organization.

THE PETITION PROCESS

As an initial step in the petition process, starting in October of 1991 and continuing through October of 1992, each Downtown newsletter - "upside/DOWNTOWN" - has contained feature articles on the formation of the BID. Published every other month, the newsletter is hand delivered to each business in the LDDA Area and distributed at a wide variety of popular Downtown gathering places.

As an second step in the process, we visited personally with a wide variety of Downtown businesses to determine both the level of support for our current programs and the level of support for formation of a business improvement district. We found a very strong level of support for our past and current activities with a strong desire that we continue and enhance our efforts. From this very encouraging response, the LDDA Board decided to launch its campaign for formation of the DLBID.

After numerous, fully publicized Board meetings discussing the details of the process, we appeared before City Council to present our plans for forming the BID.

Next, we invited an exhaustive list of former Board members and other Downtown supporters to a "dry run" presentation for criticism and embellishment on July 8, 1992. We also passed out flyers throughout Downtown inviting one and all to attend.

We then placed an announcement in the Daily Times Call and mailed invitations to every property owner in the LDDA area to attend a 2nd BID presentation on August 5, 1992. Again on August 11, 1992 we held a 3rd public meeting which was announced in the newspaper as well.

The petition process was then begun. Board members and staff visited personally with almost every property and business owner in the LDDA Area. We found that explaining a GID, an LDDA, and a BID was more time-consuming than we had originally anticipated. One visit was just not enough. Then, after August 14, 1992, our presentation packets contained copies of the Daily Times Call editorial supporting the formation of the DLBID (attached). The newspaper also did an excellent job of publishing stories about the BID throughout the petition process.

By September 30, 1992 - less than 2 months later - we submitted petitions to the City Clerk signed by owners representing 65% of the assessed valuation and 64% of the acreage of the DLBID service area. We viewed this outcome as an extremely high level of support since the law merely requires that we obtain signatures representing 50% in each category. To our knowledge, of the more than 400 business and property owners in the LDDA Area, only 5 persons refused to sign.

THE ESSENCE OF A BID

A Business Improvement District is a quasi-municipal corporation and a political subdivision of the state which is funded through property taxes and other non-tax forms of revenue such as service fees. The DLBID is intended to have a service area identical to that of the LDDA with the district itself including all property therein not classified for assessment purposes as residential or agricultural.

THE DLBID can provide the following services:

- maintenance and repair services
- snow removal and refuse collection
- funding for construction of capital improvements
- development activities supporting business leasing, recruitment, management and development
- organization, promotion, marketing and management of public events
- marketing and promotion of District activities
- security for businesses and public areas located within the District
- design assistance

A BID may incur debt for public improvements only after the vote of the electors in the district. A BID has no zoning or condemnation powers. It established through a petition process requiring that petitions be presented to City Council bearing the signatures of owners representing not less than 50% of the assessed valuation AND not less than 50% of the acreage in the District. The City Council then convenes a public hearing and may establish the BID by ordinance.

A BID is governed by the City Council which is the initial Board of Directors. The Council may remain as the board or it may appoint a board consisting of property owners within the district or it may appoint an existing DDA Board. There are many positive reasons for the City Council to take the latter approach and that is the recommended course of action due to:

1. Appointing a separate board would appear to be dysfunctional since there would be 2 separate entities competing to provide many of the same Downtown services.
2. As the City continues to grow and issues facing City Council become more numerous and complex, the time that the Council will have less and less time and energy to devote to "micro-managing" the downtown. Its time could likely be better spent on larger issues.
3. During the BID petition process, one of the most attractive feature of the BID was combining all the functions of the GID, LDDA, and BID under the umbrella of one streamlined, understandable organization such as the DLBID. This would not be possible or desirable if the City Council remains as the Board of Directors.

The one potential problem with the LDDA Board being named the DLBID Board is that of an appointed body setting the mill levy. This practice is common in a variety of situations throughout the state. When you look at the process required for budget approval each year, the concern ceases to be a problem. The BID Board must annually submit an operating plan and budget to the City Council for approval. Each year, the operating plan and budget will be similar to the 1993 Operating Plan and Budget included in your packet. Once approved, the act of setting the mill levy is simply dividing the revenues required by the assessed valuation to arrive at the mill levy for the coming year and certifying same to the County.

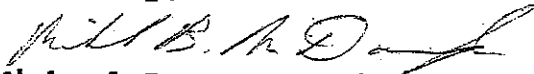
There are many other checks and balances. The BID's taxing powers are further limited in several ways. The City Council has the authority to remove one member or the entire Board. Additionally, no government agency in Colorado may increase its revenue from property taxes more than 5.5% in any one year without a vote of the people. With a starting budget of \$40,000, a 5.5% increase would represent approximately \$2,200 per year increase or a .1 mill.

The LDDA also has a 10 year track record of responsible fiscal management. When there was a funding crunch in 1990, for example, the LDDA cut personnel rather than raise the mill levy.

CONCLUSION AND RECOMMENDATION

As so aptly concluded by the Daily Times Call, "A BID is not only good business for Downtown. The BID is a better idea for the future." It is both a short term and a long term solution to the issues facing the Downtown. We respectfully request that the City Council adopt the DLBID Ordinance as presented and we will be happy to answer and questions you may have.

Sincerely,


Michael B. McDonough, AICP
Executive Director

COMMENTARY

DAILY TIMES-CALL EDITORIALS

Downtown Longmont makes BID for future

DOWNTOWN Longmont's bid for the future depends on the BID.

A Business Improvement District (BID) has been proposed to augment the existing General Improvement District (GID), which is lowering its taxes now that its bonds are being paid off.

What this splash of initials means is that downtown's initial efforts in 1967 to construct parking lots and breeze ways with revenue from a GID must now be perpetuated with a BID if Longmont is to retain downtown's identity as a focal point for the community's cultural, governmental and professional spheres.

The proposed BID would expand the boundaries of the existing GID to take in such economic cornerstones as First National Bank, Longmont Foods and the Daily Times-Call.

Additionally, the BID, designed with more flexibility, would allow the Longmont Downtown Development Authority to go far beyond the parking lot and breeze way limitations of the GID.

Marketing, recruitment, capital improvement and secu-

rity services would be provided by the BID, which would allow the downtown business community to treat itself like a giant shopping mall.

But more than neighborhood economics are involved here. When Longmont residents last November approved a \$17 million civic center expansion project, they invested heavily in downtown.

That's where they wanted their library. That's where they want their public art. That's where they wanted their courts and cops and city administration.

The BID is up to the businesses, which will create the district by taxing themselves. No residences will be included within the BID's boundaries.

In the rapidly developing and expanding north corridor of the Front Range, cities can easily lose their center as retail giants, land annexations and recreation opportunities tug and stretch residents away from their community's core. A vital downtown is necessary to keep the spokes attached to the hub.

The BID is not only good business for downtown. The BID is a better idea for the future.

October 23, 1992.

O-92- 66

A BILL FOR AN ORDINANCE CREATING AND ESTABLISHING THE DOWNTOWN
LONGMONT BUSINESS IMPROVEMENT DISTRICT AND APPROVING AN OPERATING
PLAN AND BUDGET THEREFOR.

THE CITY COUNCIL OF THE CITY OF LONGMONT, COLORADO, ORDAINS:

Section 1

That upon consideration of a recommendation that an ordinance be enacted creating the
Downtown Longmont Business Improvement District, Council finds:

(a) That the proposed district was initiated by petition filed with the City Clerk, that the
petition was duly signed and presented in conformity with part 12 of article 25 of title 31,
Colorado Revised Statutes, and that the allegations of the petition are true;

(b) That the City Council has fixed a place and time for a hearing on the petition;

(c) That notice of such hearing has been duly published and mailed in accordance with
part 12 of article 25 of title 31, Colorado Revised Statutes;

(d) That an operating plan and budget for 1993, together with a service plan, has been
filed with the City Clerk;

(e) That, in accordance with section 31-25-1209(1)(c), Colorado Revised Statutes, the
board of directors of the Longmont Downtown Development Authority shall constitute the board
of directors of the Downtown Longmont Business Improvement District because more than one-
half of the property located within the proposed district is also located within the downtown

1 Avenue; thence west along the centerline of Longs Peak Avenue to the point of beginning said
2 boundaries being the same as those of the Longmont Downtown Development Authority (Exhibit
3 A). The Downtown Longmont Business Improvement District shall consist only of taxable real
4 property located within the service area which is not classified for property tax purposes as either
5 residential or agricultural together with any taxable personal property located on such taxable real
6 property. Any residential or agricultural property located within the boundaries of the service area
7 is not subject to the District's revenue-raising powers until such time as the property changes
8 classification for property tax purposes.

9
10 Section 4

11 The service plan, operating plan, and budget filed September 30, 1992, with the City
12 Clerk are hereby approved.

13
14 Section 5

15 That pursuant to Section 4.5(h), Longmont Municipal Charter, this ordinance shall take
16 effect five days after final publication. The Council deems the passage of this ordinance to be
17 in the public interest and for the immediate preservation of the public peace, health and safety.

18
19 Section 6

20 That all ordinances or parts of ordinances in conflict herewith are hereby repealed, but
21 only to the extent of such conflict.

LDDA BOUNDARY & PROPOSED DLBID BOUNDARY

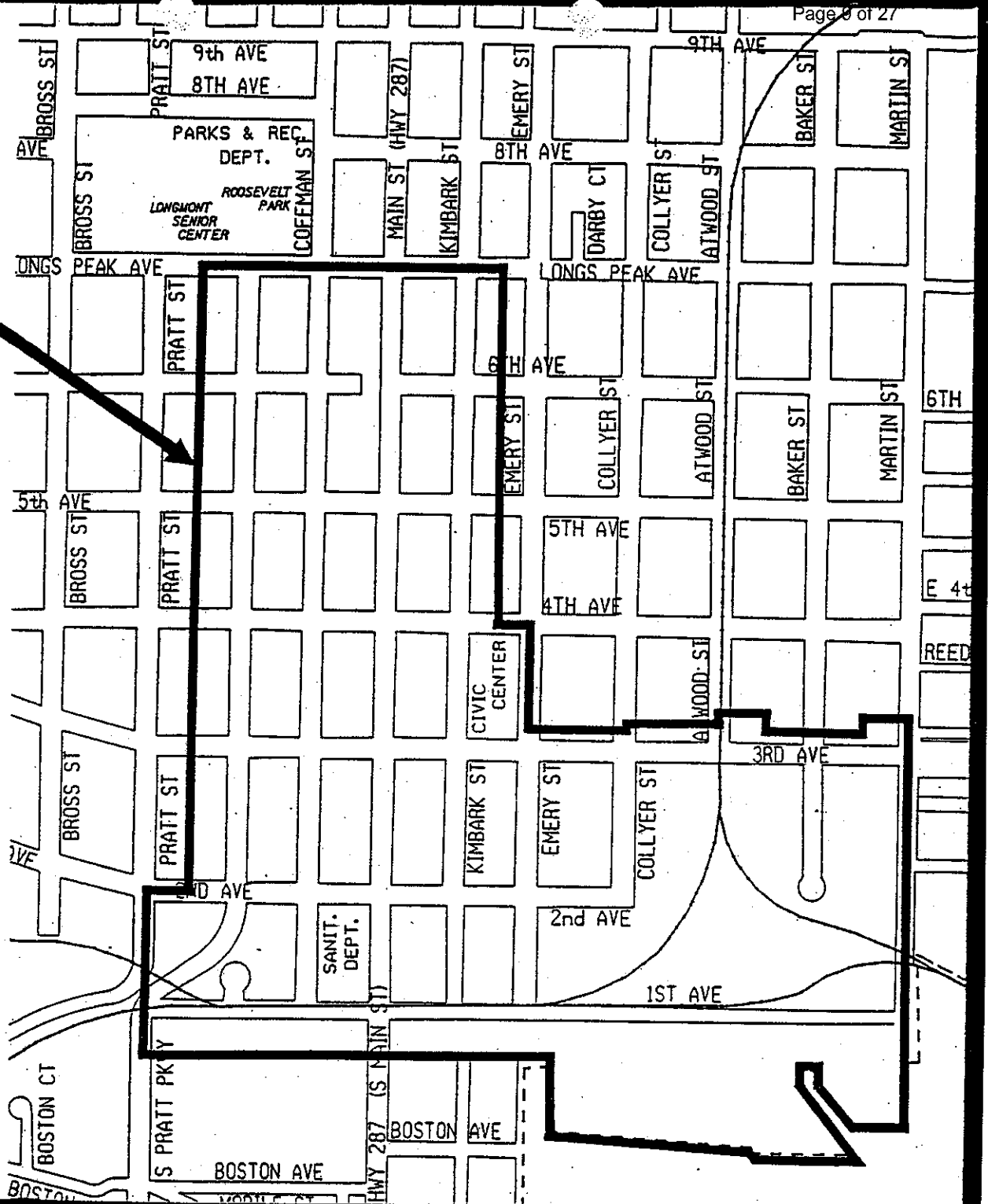


EXHIBIT "A"

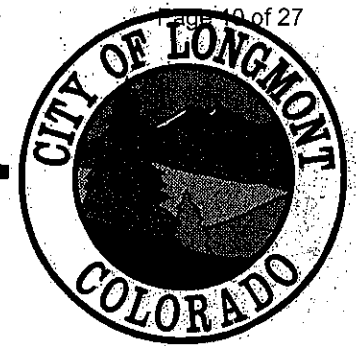
Longs Peak Avenue on the north, the mid-block line between Pratt and Terry Streets on the west, 1 lot south of 1st Avenue on the south, Martin Street on the east, the commercially zoned areas along 3rd Avenue between Martin Street and the Civic Center including same, and north along the mid-block line between Kimbark and Emery Streets to Longs Peak.



DOWNTOWN DEVELOPMENT AUTHORITY

528 Main Street, Longmont, CO 80501

CITY COUNCIL COMMUNICATION



Meeting Date: November 10, 1992

Item Number: RS - 7B

Subject: Downtown Longmont Business Improvement District

Type of Item: Public Hearing

Time for Presentation:

Presented By: Mick Conrad, Deputy City Attorney
Valeria Skitt, City Clerk

Suggested Action:

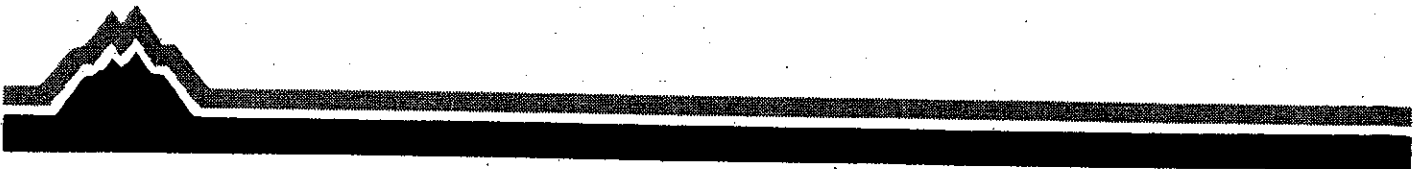
The Longmont Downtown Development Authority submitted petitions to the City Clerk's office on September 30, 1992, requesting formation of a Business Improvement District in the downtown area. The City Council, at its October 13th meeting, established November 10, 1992, as the date at which a public hearing would be held concerning this issue. The City Clerk mailed a notification of the public hearing to all real and personal property owners within the proposed district. A copy of the public notice is attached. In addition to the individual notification of property owners, a public notice was published in the Longmont Times Call once a week for each of the four weeks preceding the public hearing.

In order to create the BID, City Council must find that the petitions filed with the City Clerk were signed and presented in conformity with Part 12 of Article 25 of Title 31, Colorado Revised Statutes. Part 12-25-1205, C.R.S. requires that petitions for the formation of a BID must be signed by:

1. persons who own real or personal property in the service area of the proposed district representing not less than fifty percent of the total assessed valuation of all real and personal property in the service area of the proposed district; and
2. persons who own at least fifty percent of the acreage in the proposed district.

The City Clerk has verified the signatures on the petition against the records provided by the County Assessor and has found that the petition meets the minimum requirements of the statutes.

The ordinance as proposed would establish the LDDA as the ex-officio board of directors. Other options available to City Council include amending the ordinance to provide that the Council serve as the ex-officio board, or the Council may appoint five electors of the district to serve at its pleasure.



The district, through its board, may borrow and incur indebtedness, enter into contracts, and fix a rate of levy on the taxable property within its boundaries, among other statutory powers. City Council will control the overall direction of the district as it must approve or disapprove the operating plan and budget annually. Subject to statutory limitations, City Council may also remove members from the board. In establishing the board, City Council has the option of setting conditions, limitations, procedures, duties and powers under which the board shall conduct its business.

Because this ordinance contains language which will make it effective five days after publication, it can only be adopted by an affirmative vote of at least three-fourths of the Council as per Article 4, Section 4.5(h) of the Longmont City Charter. The emergency language is necessary to allow the organization of the BID as soon as possible.

PETITION # I- 4

Petition Document - Do Not Separate

**PETITION FOR THE ORGANIZATION
OF THE DOWNTOWN LONGMONT BUSINESS IMPROVEMENT DISTRICT
WITHIN THE CITY OF LONGMONT**

The undersigned persons who own real or personal property within the proposed service area described herein (the "Service Area") hereby petition the Mayor and City Council of the City of Longmont for the organization of the Downtown Longmont Business Improvement District (the "Proposed District") in accordance with the provisions of the "Business Improvement District Act", Part 12 of Article 25 of Title 31, Colorado Revised Statutes.

In support of this petition, petitioners state:

- 1) The name of the Proposed District shall be the Downtown Longmont Business Improvement District;
- 2) The general boundaries of the Proposed District and its Service Area are set forth in Exhibit "A" attached hereto and fully made a part hereof which are the same as the boundaries of the Longmont Downtown Development Authority Area. Pursuant to statute, the District shall contain only that taxable and real property within said boundaries which is not classified for property tax purposes as either residential or agricultural.
- 3) The types of services which may be provided by the Proposed District include but are not limited to consulting with respect to planning or managing development activities; promotion or marketing of District activities; organization, promotion marketing, and management of public events; activities in support of business recruitment, management and development; and other services described in the Business Improvement District Act. The District is authorized to acquire, construct, finance, install, operate, and dispose of public improvements including but not limited to drainage facilities, sidewalks, curbs, gutters, landscaping and decorative structures. The BID may utilize any revenue source authorized by law in the future, including rates, fees, charges, property tax, or different forms of special assessments imposed as provided by law.
- 4) The names of three persons representing the petitioners, who have the power to enter into agreements relating to the organization of the District are:

- 1) Randy Ahlberg
326 Terry Street
Longmont, CO 80501

- 2) **Sandra Jensen**
428 Bowen Street
Longmont, CO 80501
- 3) **Norman Cail**
460 Main Street
Longmont, CO 80501

5) **Petitioners respectfully request the organization of the Downtown Longmont BID.**

Petitioners further state that this petition is signed by persons owning real or personal property in the service area of the Proposed District having a valuation for assessment of not less than fifty percent of the valuation for assessment of all real and personal property in the service area of the proposed district as shown on the official tax rolls of Boulder County and, in addition, by persons owning at least fifty percent of the acreage in the Proposed district.

This petition shall be filed with a bond or cash deposit sufficient to cover all municipal expenses connected with the organizational proceedings in case the organization of the Proposed District is not effected, in the amount determined by the City of Longmont. An additional bond or deposit of additional cash may be required by the City Council of the City of Longmont if it determines that the initial bond or cash deposit is insufficient. Petitioners acknowledge that failure to file such additional bond or deposit within the time fixed, which shall be not less than ten days, will result in dismissal of the petition.

WHEREFORE, Petitioners respectfully request the Mayor and the City Council of the City of Longmont approve the organization of the Downtown Longmont Business Improvement District and to enact such ordinances creating the District, and taking such other actions as may be necessary to effectuate the organization of said District.

**OWNER'S
NAME**

SIGNATURE¹

**ADDRESS OF REAL OR PERSONAL
PROPERTY OWNED IN DISTRICT OR
SERVICE AREA**

NORMAN CAIL

Norman Cail

460 Main St.

Title President, Daily Office Supply 8-28-92

CHARLES D. SAXTON Charles D. Saxton

353 Main St.

Title owner 9-2-92

Title

SHERRI BENNETT Sherri L Bennett

425 Main St.

JAMES G. BENNETT Title owner 9-2-92

James H. Bennett James H. Bennett

425 MAIN ST

Title Owner 9-2-92

Sticker Good Sticker Good

431 Main

Title owner - 9-2-92

ALFRED FRANK DUSORAK Alfred Frank Dusorak

457-59 MAIN ST 9/2/92

Title Trustee

DAVID BISHTON David A Bishon

457 MAIN ST

Title PARTNER 9/2/90

(PERSONAL PROPERTY)

GEOFFREY H. HOWE Geoffrey H. Howe

439 COFFMAN ST.

Title OWNER

Title

Title

Title

¹ Indicate title if signing on behalf of partnership, corporation or joint venture.

LDDA BOUNDARY & PROPOSED DLBID BOUNDARY

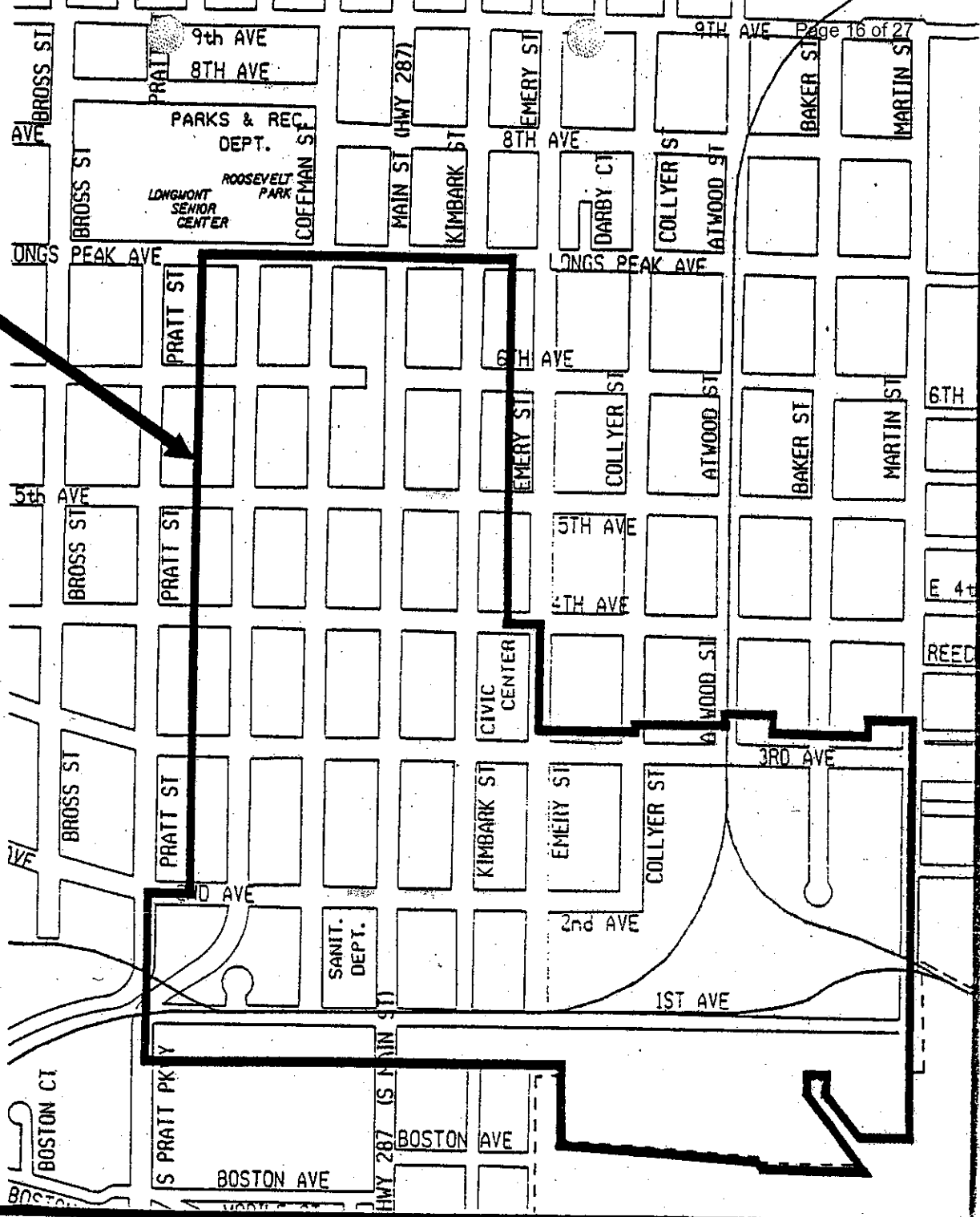


EXHIBIT "A"

Longs Peak Avenue on the north, the mid-block line between Pratt and Terry Streets on the west, 1 lot south of 1st Avenue on the south, Martin Street on the east, the commercially zoned areas along 3rd Avenue between Martin Street and the Civic Center including same, and north along the mid-block line between Kimbark and Emery Streets to Longs Peak.

LDDA LONGMONT DOWNTOWN DEVELOPMENT AUTHORITY

528 Main Street, Longmont, CO 80501

DOWNTOWN LONGMONT
BUSINESS IMPROVEMENT DISTRICT (DLBID)
PROPOSED SERVICE PLAN

BACKGROUND

In 1967, the City of Longmont established the General Improvement District Number 1 in the area from 3rd Avenue to 6th Avenue and from the mid-block line between Coffman Street and Terry Street to the mid block line between Kimbark and Emery Streets. The single-purpose district was created to sell bonds to acquire property, construct posterior parking lots and breezeways providing pedestrian linkages from the parking lots to Main Street, and to maintain same. The City also provided a relaxation of all off-street parking requirements in the area as a result of provision of the parking lots.

In 1982, after an affirmative vote of the qualified electors therein, the Longmont Downtown Development Authority (LDDA) was created and was authorized to sell \$4.5 million in bonds. The LDDA was established with an operating property tax mill levy, limited by law to a maximum of 5 mills, and a capital improvements financing mechanism based upon a tax increment. Regarding the latter, a base level of assessed valuation within in the LDDA district was established in 1982. Other taxing entities overlapping this district collect property taxes on the base valuation; the LDDA collects the other overlapping taxing entities' property taxes (the increment) on any increase in valuation above the base. This fund for capital improvements is restricted to the payment of debt.

Since 1982, the City Council, acting as the Board of Directors of the General Improvement District (GID), has contracted with the LDDA to operate and administer the GID. In 1991 the GID bonds were fully retired.

The LDDA Board of Directors has determined that the GID should remain in place due to the continuing direct benefits received by businesses and owners therein including the GID parking lots, excellent pedestrian access to and from the parking lots, and the relaxation of the off-street parking requirements of the City. Without such relaxation, redevelopment in Downtown would be very difficult.

All taxes collected for the GID are restricted to expenditure for maintenance of the parking lots/breezeways and administration. Over the years, the costs of maintenance and administration have escalated and the LDDA operating budget has become somewhat reliant upon transfers from the GID to continue. Reduction of the taxes collected by the GID is now in order but, as a result, the LDDA budget will be severely impacted. For this reason, a Business Improvement District is being sought to supplement the operations of the LDDA. Without such formation, some of the services provided by the LDDA will have to either be curtailed or eliminated altogether.

DOWNTOWN LONGMONT
BUSINESS IMPROVEMENT DISTRICT (DLBID)
PROPOSED SERVICE PLAN

The LDDA Board of Directors has determined that the interest of a revitalized Downtown is best served through the creation of a Business Improvement District with the ability to continue, supplement and enhance the effective services and successful programs of the LDDA.

The Downtown Longmont business Improvement District (Downtown Longmont BID) is to be created pursuant to the provisions of the "Business Improvement District Act", part 12 of article 25 of title 31, Colorado Revised Statutes. The services, facilities and improvements to be provided by the Downtown Longmont BID are not intended to duplicate or supplant the services, facilities and improvements provided by the City of Longmont within the Downtown Longmont BID boundaries. The Downtown Longmont BID is being created to provide enhanced or otherwise unavailable services, facilities and improvements within the Downtown Longmont BID.

The boundaries of the proposed district and its service area are the SAME boundaries as those of the LDDA (see attached Exhibit "A") as generally described therein. The boundaries of the District include any taxable real or personal property located in the service area which is not classified for property tax purposes as either residential or agricultural.

The Downtown Longmont BID will have all the powers, functions and duties specified in the "Business Improvement District Act". The District has the power to construct public improvements and provide services provided in the Business Improvement District Act. The Downtown Longmont BID will have perpetual existence unless dissolved pursuant to law.

The Downtown Longmont Business Improvement District will be governed by a board established in a manner provided by law.

The Downtown Longmont BID proposes no bond issuance to finance any of its initial services, facilities or improvements but reserves the right to propose such in the future. In addition, the Downtown Longmont BID may accept and spend moneys from any grant, gift, bequest, donation, or other similar source and may enter into contracts for the funding and provision of any of its services, facilities or improvements. Further, the Downtown Longmont BID may establish special assessment districts pursuant to the provisions of 31-25-1219, C.R.S. Unexpended moneys at the end of the fiscal year may be placed in one or more reserve funds to be expended as determined by the Downtown Longmont BID Board, including for capital expenses.

**DOWNTOWN LONGMONT
BUSINESS IMPROVEMENT DISTRICT
PROPOSED 1993 OPERATING PLAN AND BUDGET**

The following services are to be provided by the Downtown Longmont Business Improvement District in 1993:

A. PLAN PREPARATION

	<u>1993 BUDGET</u>	<u>TOTAL</u>
Preparation of concept plans, initial engineering and cost estimates for extending Streetscaping application along 3rd Avenue from Main Street to Martin Street -	\$ 2,000	
Preparation of final plans and cost estimates for extending Streetscape application from 2nd Avenue to 3rd Avenue and from 6th Avenue to Longs Peak Avenue along Main Street -	\$ 2,000	<u>\$ 4,000</u>

B. EVENTS PROMOTION AND COORDINATION

Provide 75% of the salary of a full time Activities Coordinator employed by the LDDA but working with the Heart of Longmont Business Association -	\$ 9,000	
Provide material, postage, and logistic support for major Downtown events -	\$ 400	<u>\$ 9,400</u>

C. LANDSCAPE BEAUTIFICATION

Continue tree and shrub replacement program -	\$ 3,600	<u>\$ 3,600</u>
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D. ADMINISTRATION

Provide administration for all major downtown activities and marketing efforts -	\$14,500	
Provide administration for plan preparation and landscape beautification projects -	\$ 8,500	<u>\$23,000</u>

E. OTHER SERVICES

The listed services and operation and any other services, or powers allowed the District under Title 31, Article 25, Part 12 Colorado Revised Statutes may be rendered by the District if determined necessary by the Board of Directors of the District and approved by the City of Longmont.

TOTAL REVENUE TO BE RAISED BY DLBID -

\$40,000

NOTICE OF HEARING

PLEASE TAKE NOTICE that a petition for the formation of the Downtown Longmont Business Improvement District (Downtown Longmont BID) has been filed with the clerk of the City Council of the City of Longmont in accordance with the "Business Improvement District Act", part 12 of Article 25 of Title 31, Colorado Revised Statutes.

The boundaries of the proposed Downtown Longmont BID are generally described as follows: Beginning at the centerline of Longs Peak Avenue on the North; south along the mid-block line between Pratt Street and Terry Street to the centerline of 2nd Avenue; thence west along said centerline to the centerline of Pratt Street; thence south along said centerline to a line which is the extension of the south lot line of the first lot south of and fronting on 1st Avenue; thence east along the south lot line of the lots fronting on 1st Avenue and continuing along the south lot lines of the Turkey Plant Addition and C&S Railway Company Subdivision to the centerline of Martin Street; thence north along the centerline of Martin Street to 3 lots north of 3rd Avenue; thence west along the north side of 3rd Avenue generally including the commercially zoned property to the centerline of Emery Street; thence north to the centerline of 4th Avenue; thence west to the mid-block line between Emery and Kimbark Streets; thence north along the mid-block line to the centerline of Longs Peak Avenue; thence west along the centerline of Longs Peak Avenue to the point of beginning said boundaries being the same as those of the Longmont Downtown Development Authority (Exhibit A).

All real property within the boundaries is in the service area of the Downtown Longmont BID but only taxable real and personal property within the boundaries which is not classified for property tax purposes as residential or agricultural is in the district.

The Downtown Longmont BID proposes to provide limited general and special maintenance services for the public areas within its boundaries, administration and technical support for management of the district service plan, marketing, promotions, and business support programs. The Downtown Longmont BID will have all the powers, functions, and duties specified in the "Business Improvement District Act" except as limited by its service plan. No construction of public improvements is included in the 1993 operating plan.

A public hearing on the petition has been set before the Longmont City Council for November 10, 1992, at the hour of 7 p.m. in the Council Chambers, 3rd and Kimbark Street. Any person wishing to be heard on the question of the creation of the Downtown Longmont Business Improvement District may appear and speak at the hearing.

Notice given this 13th day of October, 1992, by the City Council of the City of Longmont, State of Colorado.

ATTEST:

Valeria J. Skitt
City Clerk

OFFICIAL BALLOT

<p>“Shall the Downtown Longmont Business Improvement District impose a mill levy on taxable real and personal property within the Downtown Longmont BID sufficient to generate forty thousand dollars (\$40,00000) in fiscal year 1993 and expend annually the revenue generated by such mill levy, together with any other revenue identified in the adopted budget for the next fiscal year?”</p>	Mark (X) in this Column
YES	
NO	

CERTIFICATE OF ELECTION

State of Colorado

County of Boulder

We, the undersigned members of the Board of Directors of the Downtown Longmont
Business Improvement District

district have canvassed the returns of the election held on December 8, 1992
and do certify the following were elected to the Board of Directors of the above named District.

NAME

MAILING ADDRESS

.....
.....
.....
.....
.....
.....

We further certify that the following proposition(s) submitted passed or failed as indicated:
(Attach copy of the text(s) of the proposition)

Ballot Question <u>31</u>	<u>84</u>	VOTES FOR	<u>129</u>	VOTES AGAINST
.....	VOTES FOR	VOTES AGAINST
.....	VOTES FOR	VOTES AGAINST

Witness our hand and seal this 9th day of December, 1992

Attest:

Norman Gail
*Secretary to the Board

James W. ...
Donald ...
Shirley ...

- 1 copy to be posted at the regular meeting place of the District
- 1 copy to be mailed to the Division of Local Government, 1313 Sherman St., Rm. 520, Denver, Colo. 80203
- 1 copy to be filed
- 1 copy to be filed with County Clerk & recorded.
- * 1 copy to be given to each candidate elected. City Clerk.

*NOTICE: Before certifying to the Division of Local Government, please show current Secretary's name & official mailing address.

Norman Gail
Secretary

Norman Gail

776-1111
Phone Number

Daily Office Supply
450 Main Street

Virginia E. Pearson, Election Officer

Longmont, CO 80501
Address

314-3424
Contact Person

528 Main Street

Phone Number

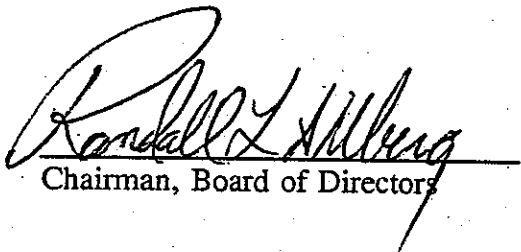
District Business Address

BYLAWS OF THE
LONGMONT DOWNTOWN BUSINESS IMPROVEMENT DISTRICT

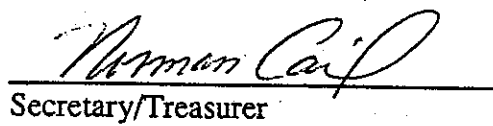
Longmont, Colorado

Formally adopted by the Longmont Downtown Business Improvement District
this 11th day of November, 1992.

Amended April 28, 1993


Chairman, Board of Directors

ATTEST:


Secretary/Treasurer

**Downtown Longmont Business Improvement District
BYLAWS**

Preamble

These bylaws are adopted pursuant to the laws of the state of Colorado and the ordinances of the City of Longmont. In the event of a direct conflict between these bylaws and state law or city ordinance, the state law or city ordinance shall govern.

Article I

General

Section 1. The name of the district shall be the "Downtown Longmont Business Improvement District," also known as the "Downtown Longmont BID" or the "Downtown BID."

Section 2. The office of the Downtown Longmont BID shall be located within the boundaries of the Downtown BID at such place as the board of directors shall, by resolution, determine.

Article II

Section 1. The board of directors of the Downtown Longmont BID (Board) shall be as provided by ordinance of the City of Longmont.

Section 2. A vacancy on the board occurs when a director ceases to be an elector of the downtown Longmont BID, resigns, is removed from office as provided by law, dies, or is not reappointed at the end of his term.

Section 3. A vacancy on the board shall be filled in the manner provided by law.

Section 4. There shall be a chairman, a vice-chairman, a secretary, and a treasurer of the board who shall be officers of the Downtown Longmont BID. The office of the secretary and treasurer may be filled by one person. The board may appoint an assistant secretary who need not be a member of the board.

Section 5. Officers shall be elected annually by the board at the first regular meeting of the fiscal year and shall have a term of one year or until their successor is elected.

Section 6. The chairman shall preside at all meetings of the board and the downtown Longmont BID, shall sign all documents on behalf of the Downtown Longmont BID upon approval by the Board, and shall have such other duties as the board may direct. The chairman shall appoint such committees and task forces as are authorized by the board.

Section 7. The vice chairman shall perform the duties of the chairman in the absence of the chairman or in the event of the chairman's inability or refusal to act and shall have such other duties as the board may provide.

Section 8. The secretary shall keep a record of all proceedings, minutes of meetings, certificates, contracts, and corporate acts of the board and shall be custodian of the seal of the Downtown Longmont BID which shall be affixed to all contracts and instruments authorized by the board.

Section 9. The treasurer shall keep permanent records containing accurate accounts of all money received by and disbursed on behalf of the Downtown Longmont BID and shall make all required reports. The treasurer shall have the care and custody of all Downtown Longmont BID moneys and shall deposit such moneys in the manner provided by law and as authorized by the board.

Section 10. The board may provide such additional duties for any officer as it deems necessary.

Section 11. A vacancy in any office shall be filled by the board at its next regular meeting for the remainder of the unexpired term.

Section 12. Directors and officers shall receive no compensation for their service but may be reimbursed for expenses incurred in the performance of their duties in the manner provided by the board by resolution.

Article III

Personnel and Management

Section 1. The Downtown Longmont BID may employ such personnel or contract for such services as it deems necessary to exercise its powers and perform its duties and functions. The terms and conditions of such employment or contracts, together with the duties to be performed, shall be determined by the board in conformance with the law.

Article IV

Meetings

Section 1. The regular meeting of the board shall be held the 4th Wednesdays of each month at the LDDA offices, as necessary. If the regular meeting date falls on a legal holiday, the regular meeting shall be held on the next succeeding business day at the same time and place.

Section 2. The chairman or any two members of the board may call a special meeting of the board upon at least twenty-four hours' written notice to each member. Such notices shall state the purpose for which such special meeting is called.

Section 3. Public Notice of all meetings of the board shall be given as provided by law and shall contain the date, time, place, and type of meeting, and specific agenda information where possible. Public notice of any meeting shall be posted at least twenty-four hours in advance at such public place or places as the board may designate annually at its first regular meeting in the fiscal year.

Section 4. A majority of the directors shall constitute a quorum of the board for the purpose of conducting its business, but a smaller number may adjourn from time to time until a quorum is obtained. Directors may be in attendance at any meeting in person or by a telephonic connection, but any such connection shall permit any director not attending in person to hear all discussion concerning any item upon which action is to be taken and shall permit all persons in attendance to hear the director attending by telephone.

Section 5. When a quorum is in attendance, action may be taken by the board upon an affirmative vote of a majority of the directors in attendance, but a majority of all directors shall be required to approve the annual budget and operating plan, to approve budget and appropriations resolutions and certification of mill levies and special assessments, to elect officers, to amend the bylaws, and to approve any contracts or agreements in excess of one thousand dollars (\$1,000).

Section 6. Voting on all questions except election of officers shall be by a roll call vote which shall be entered into or appended to ballot. No director may abstain from voting except in the case of a conflict of interest which has been disclosed as provided by law. No proxy voting shall be permitted.

Section 7. All meetings of the board for any purpose whatsoever shall be open to the public except that the board may go into executive session in the manner and for the purposes provided by law.

Section 8. Action on any item shall be taken only at a regular or special meeting by motion or by resolution. Resolutions shall be used for all actions of a general and permanent nature, shall be in writing, shall upon adoption, be authenticated by the secretary, and shall be contained in a well-bound book, properly indexed. All motions shall be set forth in the minutes of the meeting. Resolutions and motions shall become effective on the day of adoption unless otherwise stated.

Article V

Fiscal Matters

Section 1. The fiscal year of the district shall be the calendar year.

Section 2. The board shall establish limits on the check writing authority of officers, employees, and agents of the Downtown Longmont BID, but two signatures shall be required on all checks over one thousand dollars (\$1,000).

Section 3. The board may authorize an officer, employee, or agent of the Downtown Longmont

BID to enter into any contract or execute and deliver any instrument in the name of and one behalf of the Downtown Longmont BID. Any such authorization shall specify the particular contract or instrument or the category of contracts or instruments, so authorized.

Section 4. No loan or advance shall be made or contracted on behalf of the Downtown Longmont BID and no note, bond, or other evidence of indebtedness shall be executed or delivered in its name except in the manner provided by law and as authorized by the board.

Article VI

Amendments

Section 1. These bylaws may be amended or repealed, and new bylaws adopted, by the board at any regular or special meeting subject to the requirements of Section 5 of Article IV of these bylaws.

Article VII

Indemnification

Section 1. The Downtown Longmont BID shall indemnify any director, officer, employee, or agent or any former director, officer, employee, or agent for any expenses actually incurred in connection with any action suit, or proceeding in which such person has been made a party by reason of being or having been such director, officer, employee, or agent, including any matter as to which such person is adjudged to be liable in such action, suit, or proceeding except for such person's willful and wanton acts or omissions in the performance of official duties.

Section 2. The downtown Longmont BID is authorized to obtain such policy or policies of insurance for the purpose of providing such indemnification and for such other purposes as the board deems necessary.

Section 3. The indemnification provided in this article does not constitute a waiver, either partial or complete, of any immunities or limitations on judgements provided by law with respect to the Downtown Longmont BID or its directors, officers, employees, or agents.

Article VIII

Procedural Matters

Section 1. In the absence of rules adopted by the board or provided by law governing rules of order or procedures, the latest revised edition of Roberts Rules of Order shall govern the actions of the board.

(end)